

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Valerie DE LA POTERIE et al.)	Group Art Unit: 1619
)	
Application No.: 10/529,267)	Examiner: Tracey A. SIMMONS WILLIS
)	
§371 (c) Date: September 29, 2005)	Confirmation No.: 4347
)	
For: COMPOSITION FOR COATING)	
KERATIN FIBERS, COMPRISING)	
A HIGH DRY EXTRACT THAT)	
CONTAINS A SEQUENCED)	
POLYMER)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA EFS WEB

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, patent application publications, co-pending applications and respective office actions are not enclosed as they are available on the Imaged File Wrapper of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. *See also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. **JP 10-506404**: Published as WO 96/10044, this document is not available except in the form of the PCT document. WO 96/10044 is believed to be related to U.S. Patent No. 6,280,713, cited on the IDS Form PTO/SB/08 submitted with the Information Disclosure Statement filed May 7, 2009.
2. **French Search Report for FR 04/03090**: This is the French Search Report for FR 04/03090 from which co-pending Application No. 11/089,210 (Attorney Docket No. 06028.0097-00) claims priority.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited document(s) do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 24, 2009

By:  _____

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